

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

ROBERT C. GRIESSER, M.D.,  
RESPONDENT.

FINAL DECISION AND ORDER  
93 MED 373

The parties to this action for the purposes of sec. 227.53 Stats. are:

Robert C. Griesser, M.D.  
2597 Parkwood Drive  
Green Bay, Wisconsin 54304

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Robert C. Griesser, M.D. is and at all times relevant to this matter was duly licensed in the state of Wisconsin as a physician. Dr. Griesser's license number is 26659. This license was first granted on April 19, 1985. Dr. Griesser is an anesthesiologist.

2. Dr. Griesser's latest address on file with the Department of Regulation and Licensing is 2597 Parkwood Drive, Green Bay, Wisconsin 54304. His date of birth is February 4, 1957.

3. On October 29, 1992, Patient LE entered a hospital for a vitrectomy, membrane stripping, photocoagulation and gas-fluid exchange of his left eye. LE was a 23-year-old, insulin-dependent, diabetic male who was suffering proliferative diabetic retinopathy in both of his eyes.

4. Patient LE's admission record states that he had experienced seizures when he became hypoglycemic. This indicates that LE had a history of

hypoglycemic incidents. The admission record also states that LE's diabetes began during his infancy, that he is "legally blind", that he suffers decreased renal sufficiency and that all of his previous hospitalizations were related to his diabetes. These indicate that LE was a brittle diabetic.

5. Patient LE's last meal prior to surgery was at about 6:00 p.m. on October 28. LE had taken nothing by mouth since then.

6. Patient LE took 6.5 units of NPH insulin at home early on the morning of October 29. At the hospital later that morning at 11:30, LE's blood sugar level was 325. Upon discovering his elevated blood sugar level, hospital staff administered four units of regular insulin. At 1:00 p.m. that day, LE's blood sugar level was 136.

7. Dr. Griesser's pre-operative notes acknowledge that Patient LE was an insulin-dependent diabetic whose blood sugar level was 136, who was suffering nephropathy, and who would undergo a vitrectomy. This note indicates that Dr. Griesser's plan was "GETA" (General EndoTracheal Anesthesia).

8. Dr. Griesser's plan did not provide for administering intra-operative glucose to Patient LE, nor did it set forth any plan to monitor LE's blood sugar levels during the procedure.

9. A certified registered nurse anesthetist provided the anesthesia during the surgical procedure. Dr. Griesser helped this nurse start anesthesia at about 2:00 p.m. He supervised this nurse until another anesthesiologist relieved him at about 2:30 p.m.

10. At no time during the procedure did Patient LE receive glucose, nor did anyone check his intra-operative blood sugar level.

11. Anesthesia ended at about 5:45 p.m.; however, hospital staff were unable to awaken Patient LE. Two post-operative blood sugar test revealed that LE's blood sugar level was 32.

12. Patient LE remained in a somnolent state for about 24 hours; thereafter, he gradually recovered. Dr. Griesser was one of the physician's who monitored LE during his recovery on October 30 and 31. LE left the hospital on November 4, 1992 without any permanent deficit as a result of the hypoglycemic incident.

13. By not ordering an intra-operative glucose infusion or, in the alternative, developing a plan to intra-operatively monitor Patient LE's blood sugar levels, Dr. Griesser's practice fell beneath that of the average physician who practiced anesthesiology under those circumstances.

14. Dr. Griesser does not admit that his practice in this case was negligent. He agrees to entry of this Final Decision and Order by the Board in order to resolve this case.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter and Dr. Griesser pursuant to sec. 448.02 Stats.
2. The Medical Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5) Stats.
3. The conduct of the respondent, Robert C. Griesser, M.D., as described above constitutes negligence.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that Robert C. Griesser, M.D. is hereby reprimanded.

IT IS FURTHER ORDERED that the Respondent shall pay to the Department the costs of this investigation pursuant to sec. 440.22 Stats. in the amount of \$324.50, not later than 60 days following the effective date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective on the date of its signing.

**WISCONSIN MEDICAL EXAMINING BOARD**

By: B. Ann Neviasser  
A Member of the Board

January 24, 1996  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST  
ROBERT C. GRIESSER, M.D.,  
RESPONDENT.

STIPULATION  
93 MED 373

It is hereby stipulated between Robert C. Griesser, M.D., personally and by his attorney, Michael S. Weiden, and Peter Sammataro, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Griesser's licensure by the Division of Enforcement. For the sole purpose of resolving this matter, Dr. Griesser consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. In order to resolve this matter, Dr. Griesser agrees and consents to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

3. Dr. Griesser understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; all rights to any appeal of the Final Decision and Order, if adopted in the form as attached; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code. Dr. Griesser freely, knowingly and voluntarily waives the rights set forth in this paragraph.

4. Dr. Griesser is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

5. Dr. Griesser understands that this Stipulation does not prohibit the Medical Examining Board from further action against his license based on acts not alleged in the pending investigative file or set forth in the attached Final Decision and Order.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further

proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Dr. Griesser in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

I, Robert C. Griesser, M.D., the Respondent herein, having read this Stipulation and the attached Final Decision and Order, voluntarily and knowingly enter into this Stipulation.

Robert C. Griesser, M.D.  
Robert C. Griesser, M.D.

12/21/95  
Date

Michael S. Weiden  
Michael S. Weiden  
Attorney for Respondent

12/26/95  
Date

Peter Sammataro  
Peter Sammataro, Attorney  
Division of Enforcement

01-08-96  
Date

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On JANUARY 23, 1996, the MEDICAL EXAMINING BOARD  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$324.50 Case #: 93 MED 373

The amount of the forfeiture is: \_\_\_\_\_ Case #: \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 324.50

The costs and/or forfeitures are due: MARCH 24, 1996

NAME: ROBERT C. GRIESSER LICENSE NUMBER: 26659

STREET ADDRESS: 2597 PARKWOOD DRIVE

CITY: GREEN BAY STATE: WI ZIP CODE: 54340

Check whether the payment is for costs or for a forfeiture or both:

X COSTS \_\_\_\_\_ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL \_\_\_\_\_ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

**For Receipting Use Only**

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING  
1400 E. WASHINGTON AVE., ROOM 141  
P.O. BOX 8935  
MADISON, WI 53708-8935**

#2145 (4/95)  
Ch. 440.22, Stats.

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

January 25, 1996

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)